

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTINE SARACENI,

Plaintiff,

v.

Case No.: 19-CV-1152

M&T BANK CORPORATION,

Defendant.

**DECLARATION OF JODYANN GALVIN IN SUPPORT OF
M&T BANK CORPORATION'S REQUEST FOR EXPEDITED
TREATMENT ON ITS MOTION TO FILE EXHIBIT UNDER SEAL**

Jodyann Galvin, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
declares the following to be true and correct:

1. I am an attorney at Hodgson Russ LLP, counsel for Defendant M&T Bank Corporation ("M&T"). I submit this declaration in support of M&T's very limited motion to seal one exhibit filed by Plaintiff. Specifically, M&T seeks to seal Exhibit C to the Declaration of Christine Saraceni, dated September 25, 2019 ("Saraceni Declaration") (Dkt. No. 14).

2. Christine Saraceni moved for a preliminary injunction on September 25, 2019. In support of her motion, Saraceni included her own declaration with accompanying Exhibits A-F, which were publicly filed.

3. Exhibit C is a spreadsheet consisting of names and addresses that is one of the very subjects of this dispute. M&T has serious concerns about the public disclosure of one of

its documents that was created by Ms. Saraceni in furtherance of her role at M&T and which was specifically designed and intended to encourage those individuals to do banking at M&T. While the parties have differing views on the nature of this information, M&T maintains this spreadsheet is the property of M&T and contains information that should not be publicly disclosed.

4. M&T has not yet opposed Plaintiff's motion on the merits and has not yet presented evidence or argument. Whether this information (along with other information Ms. Saraceni emailed to herself) is M&T's proprietary and/or confidential material is central to this dispute and will presumably be evaluated by this Court on this motion.

5. Ms. Saraceni's exhibits include a screenshot of the spreadsheet's document properties, evidencing the author and custodian of the spreadsheet as "M&T Bank Corporation" (Dkt. No. 14, Ex. D). There can be no legitimate dispute about who owns the document and its contents as shown in her motion.

6. At the initial appearance on this matter, I advised that if Ms. Saraceni intended to present the spreadsheet referenced in her complaint, it should be filed under seal.

7. Upon discovering the spreadsheet was not filed under seal, I immediately brought the issue to the attention of Ms. Saraceni's counsel today and requested that Ms. Saraceni file Exhibit C under seal or make arrangements to do so. Ms. Saraceni's counsel declined to do so, relying on Ms. Saraceni's contention (which is disputed by M&T) that it is a list of Ms. Saraceni's personal contacts and is not confidential.

8. There is no prejudice to Ms. Saraceni to have this exhibit sealed during the pendency of this action.

9. Therefore, M&T seeks the very limited sealing of Exhibit C to the Saraceni Declaration and further advises the Court of the possibility that other documents may require the same treatment as this matter proceeds.

10. M&T seeks expedited treatment of this motion as the spreadsheet currently remains publicly available.

WHEREFORE, Defendant M&T Bank Corporation respectfully requests that the Court enter an order sealing Exhibit C to the Saraceni Declaration, along with the costs of this motion and any other relief the Court deems proper.

Dated: September 26, 2019

s/Jodyann Galvin
Jodyann Galvin